

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL A. CLARK,)
)
Petitioner,)
)
v.) Case No. 4:04CV1364 HEA
)
DON ROPER,)
)
Respondent.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge Frederick R. Buckles that Yancey Lamarr White's *pro se* Petition for Writ of Habeas Corpus be dismissed without prejudice for his failure to comply with Rule 2.06(B) of the Local Rules of this Court. This Court referred all pretrial matters to Judge Buckles pursuant to 28 U.S.C. § 636.

On May 26, 2005, after being advised that Petitioner was no longer in the custody of the Bureau of Prisons, Judge Buckles ordered Petitioner to show cause no later than June 6, 2005 why Petitioner's release from the Bureau of Prisons did not render moot the claims raised in his petition and the relief sought therefor. A copy of

the mail was sent to the Jennings Correctional Facility.¹ The mail was returned to the Court, with the notation, “Return to Sender, Inmate is No Longer at this Facility.” On June 6, 2005, Judge Buckles invoked Local Rule 2.06(B), and ordered Petitioner to notify the Court of his new address no later than July 1, 2005.² Petitioner failed to respond to the Court’s orders and failed to notify the Court of his new address.

On July 8, 2005, Judge Buckles, *sua sponte*, entered his Report and Recommendation that pursuant to Local Rule 2.06(B), this cause be dismissed without prejudice because of Petitioner’s failure to notify the Court of his change of address. He also recommended that all pending motions in this cause be denied as moot and without prejudice. The parties were given eleven (11) days in which to file written objections to the Report and Recommendation. To date, no objections have been filed by either party.

After careful consideration, the Court will adopt and sustain the sound reasoning of Judge Buckles as set forth in his Report and Recommendation of July 8, 2005.

Accordingly,

¹A copy of the Order, along with a copy of another Order entered on the same date, were mailed by the Clerk of the Court to Petitioner at his last known address of record, which was at the Jennings Correctional Facility, in Jennings, Missouri.

²Under Local Rule 2.06(B), an action may be dismissed without prejudice if mail to a *pro se* petitioner is returned to the court without a forwarding address and the petitioner fails to notify the court within thirty days of his change in address .

IT IS HEREBY ORDERED that this cause is dismissed without prejudice for Petitioner's failure to comply with Rule 2.06(B) of the Local Rules of this Court;

IT IS FURTHER ORDERED that all pending motions in this cause of action are denied as moot without prejudice.

Dated this 20th day of July, 2005.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE